

2005001709A

STATE OF MICHIGAN  
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

RICHARD ALLEN MCBRAYER,  
Defendant-Appellant.

UNPUBLISHED  
August 22, 1995

No. 174683  
LC No. 93-002894-FC

F I L E D  
MAR 14 2005

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DETROIT

Before: J.W. Fitzgerald,\* P.J., and T.G. Kavanagh\* and R.B. Burns,\*\* JJ.

MEMORANDUM.

Defendant pleaded guilty to two counts of first-degree criminal sexual conduct, MCL 750.520b; MSA 28.788(2), and was sentenced to concurrent terms of twenty to forty years' imprisonment. He appeals as of right. We affirm. This case has been decided without oral argument pursuant to MCR 7.214(A).

Defendant's sentences are within the recommended range of the sentencing guidelines and do not violate the principle of proportionality. People v Milbourn, 435 Mich 630; 461 NW2d 1 (1990); People v Dukes, 189 Mich App 262; 471 NW2d 651 (1991). Defendant's lack of a criminal record does not overcome the presumptive proportionality of his sentences. People v Daniel, 207 Mich App 47; 523 NW2d 830 (1994).

Affirmed.

/s/ John W. Fitzgerald  
/s/ Thomas G. Kavanagh  
/s/ Robert B. Burns



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Richard A. McBrayer v. Hugh Wolfenbarger  
USDC ES 04-CV-73235-DT  
HONORABLE LAWRENCE P. ZATKOFF

\*Former Supreme Court Justices, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1995-1. \*\*Former Court of Appeals Judge, sitting on the Court of Appeals by assignment pursuant to Administrative Order 1995-1.